

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MARLAYNA G. TILLMAN,

Plaintiff

v.

THE PEPSI BOTTLING GROUP, INC., and  
TEAMSTERS LOCAL UNION 830

Defendants

C.A. NO. 04-1314 - SLR

**MOTION FOR SUMMARY JUDGMENT OF DEFENDANT, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS LOCAL UNION NO. 830 AGAINST PLAINTIFF,  
MARLAYNA TILLMAN**

Defendant, International Brotherhood of Teamsters Local Union No. 830, respectfully moves this Honorable Court pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Delaware, to enter Summary Judgment in favor of Defendant and against Plaintiff, Marlayna Tillman.

Summary judgment is appropriate, as there is no genuine issue of material fact in dispute and Defendant is entitled to judgment as a matter of law. In support of this Motion, Defendant files concurrently herewith its Brief, setting forth the legal bases for the relief requested herein, Appendix of Documents and Statement of Uncontested Material Facts. A proposed Order is attached herewith.

Respectfully submitted,

/s/ Clifford B. Hearn, Jr.

Clifford B. Hearn, Jr., Esquire

**CLIFFORD B. HEARN, JR., P.A.**

Odessa Professional Park, Suite 240

P.O. Box 521

Odessa, DE 19730-0521

(302) 378-4827

/s/ Marc L. Gelman

Marc L. Gelman, Esquire

**Jennings Sigmond**

510 Walnut St., 16<sup>th</sup> Fl.

Phila., PA 19106

(215) 351-0623

Date: December 15, 2006

**CERTIFICATE OF SERVICE**

I, Marc L. Gelman, hereby certify that a true and correct copy of Defendant Teamsters Local Union No. 830's Motion for Summary Judgment and Supporting Brief and Appendix of Documents were served on the following via electronic filing and by First Class Mail, postage pre-paid on the date set forth below.

J. Stephen Woodside, Esquire  
One Montgomery Plaza, Suite 605  
425 Swede Street  
Norristown, PA 19401

Lucretia Clemons, Esquire  
BALLARD SPAHR  
51<sup>st</sup> Floor  
1735 Market Street  
Philadelphia, PA 19103

/s/ Marc L. Gelman  
MARC L. GELMAN, ESQUIRE

Date: December 15, 2006